



## **Frequently Asked Questions Electronic Cigarette Usage in Elk River**

### **1. Why was this ordinance adopted?**

To protect public health. Scientific research has identified adverse health effects associated with e-cigarettes vapors. Regulation of e-cigarettes can reduce confusion in public areas where smoking is prohibited.

### **2. What does this ordinance do?**

There are five principal objectives:

- a. Protects the health, safety, and welfare of the people in Elk River from the effects of secondhand smoke by ensuring the ability to breathe air uncontaminated by secondhand smoke and vapors produced by e-cigarettes.
- b. Prioritizes your right to breathe in public spaces over the use e-cigarettes.
- c. Prevents secondhand smoke and vapor exposure by unwilling employees, patrons, and the general public while in public indoor areas and places of employment.
- d. Protects the health of vulnerable populations including children, the elderly, and those with chronic health conditions; and
- e. Maintains consistency with existing laws for enforcement of clean air in public indoor areas.

The ordinance regulates the use of e-cigarettes in the same fashion as smoking in accordance with the Minnesota Clean Indoor Air Act (MCIAA).

### **3. Where does the ordinance apply:**

The ordinance applies throughout the City of Elk River.

### **4. When will this become effective?**

The ordinance is effective 60 days after it is published in the city's official newspaper.

### **5. Who is responsible for complying with this ordinance?**

The responsibility rests with the person responsible for places in which smoking/vaping is prohibited. Under the MCIAA, smoking is prohibited in virtually all indoor public places and indoor places of employment, including the following:

- Bars, restaurants, and private clubs
- Offices and industrial workplaces
- Retail stores
- Common areas of rental apartment buildings, hotels, and motels
- Public transportation, including taxis
- Work vehicles, if more than one person is present. Home offices with more than one or more on-site employees, or used as a place to meet or deal with customers-during work hours
- Public and private educational facilities
- Auditoriums, arenas, and meeting rooms
- Daycare premises

- Healthcare facilities and clinics

**6. Will enforcement action be taken against people that are vaping?**

Similar to the MCIAA, the ordinance applies to persons responsible for the establishments in which smoking/vaping is prohibited. Violators shall be asked to vacate the public area in which smoking/vaping is prohibited. Refusal to vacate may initiate local law enforcement action and subsequent penalties.

**7. Can I vape in a hotel room?**

The MCIAA does not prohibit smoking in individual guest rooms, but does prohibit smoking in all other indoor areas such as restaurants, bars, pool areas, lobbies, entrances, etc.

**8. How will this ordinance be enforced?**

Responsibility begins with the entity responsible (Responsible Authority) for the public area. Report violations to the Responsible Authority. If the Responsible Authority fails to act, call 911 to notify local law enforcement.

**9. How will you take complaints?**

Complaints can be filed by calling 911.

**10. What is the penalty for violating this ordinance?**

A violation is a petty misdemeanor. A petty misdemeanor is a prohibited offense not constituting a crime for which a sentence of a fine of not more than \$300 may be imposed. The ordinance states that if the violation continues, every day is a separate offense.